

## REMARKS

Claim 26 is amended and claims 30 – 34 are added. Claim 27 is cancelled without prejudice or disclaimer. Accordingly, claims 26, 28 – 34 are pending. Reconsideration of the claims is requested.

The undersigned attorney would like to point out that the transmittal form filed with this divisional application included instructions to cancel claims 1 – 25 from the application as filed. This was apparently not noticed and therefore the rejections of claims 1 – 25 are moot. Since claim 27 is cancelled, the 35 USC 112 objections to language in the claims is also moot.

## CLAIM REJECTIONS – 35 U.S.C. § 102(a)

The Office Action rejected claims 26 – 29 as being anticipated by United States Patent number 6,035,597 issued to John K. Donaldson (hereinafter “Donaldson”).

Claim 26 features a tubular muntin bar having both a mitred end and a flat end where the mitred end is capable of fitting over mid portions of other muntin bars in forming a grid and where the flat end forms an outer bound of the grid, which contacts a window spacer frame. The tubular muntin bar also contains planar segments and a beveled transition portion between the planar segments. One of the planar segments is formed by bending sheet portions of the tube until abutting occurs along a seam.

The Donaldson patent does not anticipate claim 26. To anticipate a claim, a prior art reference must show each and every element claimed; short of this, anticipation does not exist. *See General Elec. Co. v. U.S.*, 198 U.S.P.Q. 65 (Ct. Cl. 1978). The Donaldson patent does not disclose a beveled transition portion. Donaldson describes the muntin shell as containing “a rectangular cross section, defined by *two parallel faces and two parallel sides*” without showing a beveled transition portion. Col. 4, Lines 63-65 (emphasis added).

In addition to failing to disclose a beveled transition portion, Donaldson fails to show any mitred ends on the muntin bar. Instead, Donaldson discloses a notch that is rectangular and not mitred for overlapping the bars, and states such as, “each notch should be approximately rectangular, i.e., defined by edges which extend straight across on face of the bar.” Col. 5, Lines

21-23.

Respectfully, the reference does not disclose or show nor render obvious the applicant's mitred ends or beveled transition portion, and therefore claim 26 is in condition for allowance.

Claims 28, 29 and 30 depend from claim 26 and are also in condition for allowance.

Claim 31 features a tubular muntin bar having an elongated tube with mitred ends, where the mitred ends are capable of fitting over mid portions of other muntin bars in forming a grid. The tubular muntin bar also contains planar segments and a beveled transition portion between the planar segments. One of the planar segments is formed by bending sheet portions of the tube until abutting occurs along a seam.

Respectfully, Claim 31 is in condition for allowance because Donaldson, as discussed above, does not disclose or show nor render obvious the applicant's mitred ends, which are being claimed in Claim 31.

Claim 32 depends from claim 31 and is also in condition for allowance.

Claim 33 features a tubular muntin bar having an elongated tube with flat ends that form an outer bound of a grid, which contacts a window spacer frame. The tubular muntin bar also contains planar segments and a beveled transition portion between the planar segments. One of the planar segments is formed by bending sheet portions of the tube until abutting occurs along a seam.

Respectfully, Claim 33 is in condition for allowance because Donaldson, as discussed previously, fails to disclose, show or render obvious the beveled transition portion, which is being claimed in Claim 33.

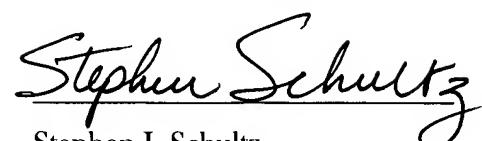
Claim 34 depends from claim 33 and is also in condition for allowance.

In view of the foregoing, it is respectfully submitted that the above identified-application is in condition for allowance and allowance of the above identified-application is respectfully requested.

The Commissioner is hereby authorized to charge deposit account no. 23-0630 any deficiency and credit that account with any overpayment.

Respectfully submitted,

Date: September 17, 2004



Stephen J. Schultz

Reg. No. 29,108

Telephone:(216) 241-6700

Facsimile:(216) 241-8151